THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5607 of 2006

Dated: 18-09-2006

Between:

Khaja Qutubuddin Ansari.

..... PETITIONER

AND

The A.P. State Wakf Board, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.5607 of 2006

ORDER:

The petitioner filed the instant writ petition seeking invalidation of the order dated 13-03-2006 passed by respondent No.1 appointing respondent Nos.2 to 8 herein as members of the Managing Committee under Section 18 of the Andhra Pradesh Wakf Act, 1995 (the Act, for brevity).

Dargah Hazrath Syed Ghulam Rasool Chesti Kalandari with Idgah, graveyard, Musafir Khana, with agricultural lands admeasuring Acs.65.02 guntas situated at Burukpally Village, Vikarabad Mandal, Ranga Reddy District, is admittedly Sunni Muslim Wakf. The petitioner claims to be the grand son of Khaja Mohd. Meeran Ansari, who was the wakif, acted as Muthawali till his death on 25-11-1978. Thereafter, statedly the petitioner's father, Khaja Mohd. Yousuf Ali Ansari, acted as Muthawali till his death on 31-01-2006. The petitioner then assumed charge as Muthawali as per the custom prevailing in the wakf institution and made a detailed representation on 25-02-2006 to the Special Officer as well as the Chief Executive Officer (CEO) of respondent No.1 requesting to recognize or approve him as Muthawali of the Dargah. It is alleged that even while the same is pending, respondent No.1 issued orders on
13-03-2006 appointing the Managing Committee.

The learned counsel for the petitioner placed strong reliance on the decision of this Court in **M. Rahim Sahed v. A.P. State Wakf Board**[1] in support of the submission that when an application by a person claiming hereditary Muttawaliship is pending, appointment of Managing Committee would be illegal. **Per contra**, the learned standing counsel for respondent No.1 and the learned counsel for respondent Nos.2 to 8 submit that no such application was made directly to respondent No.1 and therefore, the writ petition is not maintainable.

With the assistance of the learned counsel for the petitioner, this Court has perused the representation dated 25-02-2006 made by the petitioner to the Special officer and CEO of respondent No.1. The said copy was received by Inspector Auditor (Wakf) of Ranga Reddy District and a copy thereof was also served in the office of the District Collector. The learned counsel for the petitioner submits that the Inspector Auditor is the Receiving Officer, who ought to have sent the representation of the petitioner to respondent No.1. Without further probing into this controversy, the petitioner is given liberty to submit a copy of the representation dated 25-02-2006 to the Special Officer of respondent No.1 immediately. As and when the same is submitted, the Special

Officer shall cause enquiry into the same and take appropriate orders under Section 37-C read with Section 63 of the Act. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. Appointment of respondent Nos.2 to 8 as members of the Managing Committee under Section 18 of the Act, by reason of the impugned order, shall be subject to the orders that may be passed by the Special Officer.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

18th September, 2006

Note: Issue CC by 20-09-2006

B/o

ghn

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[1] 1997(2) ALD 79